

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAALLEN MORSLEY
petitioner,

CASE# 1:01-CV-01003

VS.

DONALD ROMINE
respondent ,

**MOTION TO VOID JUDGEMENT AND UNRELIABLE DETENTION
TO RULE 60(b)(1)(2)(3)(4)(5)(6), OF FED. R. OF . CIV. P. ,
TO STOP A GRAVE MICARRIAGE OF JUSTICE DUE TO THE " DUE PROCESS "
AND " JURISDICTIONAL DEFECTS " UPON WHICH THE JUDGEMENT AND ALLEGED CONVICTION STANDS**

NOW COMES , ALLEN MORSLEY (hereinafter "Petitioner") ,
appearing pro se, in the above captioned matter , respectfully su-
bmitting this Rule 60 (b) Motion Pursuant to FED. R. OF CIVIL . P.
To Void Judgement and Alleged Conviction Due to the " Due Proc-
ess " and " Jurisdictional Defects " involved to obtain alleged
Conviction in the First instance .

SPECIFICALLY , THE PETITIONER AVERS THE FOLLOWING :

#1. ONE]

Even [A]ssuming that there was an "Actual" **True Bill** (Indictment)
(For the sake of Argument of course) As this court Ruled when D-
enying Habeas Relief ' Based upon the United States District Cou-
rt **Docket Sheet**. The District Court Judge (James C. Fox) Who pr-
esided over the Petitioners Trial ' Nevertheless Allowed the pet-
itioner to be **tried , Unconstitutionally** and Sentenced (to [L]ife
Imprisonment) For charges that were not founded upon a grnad Jury
[N]or presented to a Jury , and **proven beyond** a reasonable doubt.
for Which the Petitioner [S]till Remains "Actually" and Factually"
Innocent . (Based upon the Jurys Verdict [A]lone) SEE BLAKELY.
(Also) DILTS VS. OREGON , 03-9412(remanded in light of Blakely -
by the Supreme Court) BUT SEE US. VS. FREDRICK LEACH , No. 02
-172-14 2004 U.S. Dist. LEXIS 13291 Decided July 13th in the -
district court for the eastern District of Pennsylvania .

#2. TWO]

That petitioners Trial attorney (**Robert Cooper**) The petitioners Appeal Attorney (**Kevin Schad**) And the Petitioners Post Conviction Attorney (**Burt Pugash** ; who was disbarred while practicing [L]aw) Where [A]ll Ineffective at Critical Stages Of the Petitioners Case.

#3. THREE]

That **Before** this Honorable Court Denied Habeas Relief , The Court should have first considered whether the petitioner could "Show" Cause for and prejudice for Claims the Court ruled were **Defaulted...** SEE (DRETKE VS. HALEY , No. 02-1824) (Where the Supreme Decided On **May 3rd 2004**) (Holding)

" That a Federal Court Faced With Allegations Of Actual Innocence " [W]ether of Sentence or crime charged , Must [A]ddress all non-defaulted Claims for comparable relief and Other Grounds for Cause to excuse [T]he Procedural Default." (the court went on to say ; [B]ecause the district Court Failed to Consider alternative grounds for relief urged by respondent (Particularlyley given the **availibility** of inneffective assistance of Counsel Claim) (the Case was Remanded back to the Lower Courts)

#4. FOUR]

that **Christine B. Hamilton** , [W]ho Prosecuted the Instant Case Against the Petitioner ' Was [Un]-licensed to [P]ractice Law In the [S]tate Of North Carolina . And Because **Alleged** [I]ndictment Bares the Signature Of Said Unlicensed [A]lone ; Ms. Christine B. Hamiltons Presence Before Alleged Grand Jury Was in Violation of rule **6(d)** , **Fed.R. Crim. P.** , Unauthorized Person Before A Grand Jury .

#5. FIVE]

That petitioners Trial Suffered [S]tructural [D]efect that cannot be cuered by harmless error standards , Because it Goes to the Subject Matter ' Of the Trial Courts [J]urisdiction (and further the Reliability of its outcome . SEE **MOTIMER** (3rd Cir.)

#6. SIX]

That Federal Governments Admission Of **Claude Sims** [t]estimony Against the [A]ccused [petitioner] Despite the Fact that Petitioner Had No prior opportunity to cross him , [a]lone is Sufficient to make out A **Violation** of The [s]ixth [a]mendment . Because It was thus the Bases for petitioner to be [S]uggestively Identified / For the Purpose of Trial . SEE CRAWFORD VS. WASHINGTON , (Decided 5/2004

7. SEVEN]

That Current Alleged Federal Conviction/ Sentence was defectively , "Enhanced" based upon " Actual Innocence " Of Carrer Criminal Statute . In [V]iolation Of [Y]outhfull [O]ffender **adjudication[s]** (A gratuitous [C]reature Of [L]egislature .

RESPECTFULLY SUBMITTED THIS 30th DAY OF JULY 2004

In Accordance with Local Rule 7.5 , Memorandum of Law will Be submitted Within 10 Working Days , With Motion To Appoint Counsel If' it is not Completed with other motions filed for this court Attention ; in the interest of Justice .

CERTIFICATE OF SERVICE

I , ALLEN MORSLEY , UNDER THE PENALTYS OF PERJURY , HEREBY CERTIFY THAT I HAVE PLACED A COPY OF SAID MOTION IN THE MAILBOX WITH POSTAGE PAID TO COUNSEL FOR THE RESPONDENT ON THIS 30th DAY OF JULY 2004 . OF THIS DO I NOW AFFIX MY HAND

MR. ALLEN MORSLEY
MR. ALLEN MORSLEY.